

**ZB# 07-39**

**Petrolli Enterprises**

**3-1-23.1**

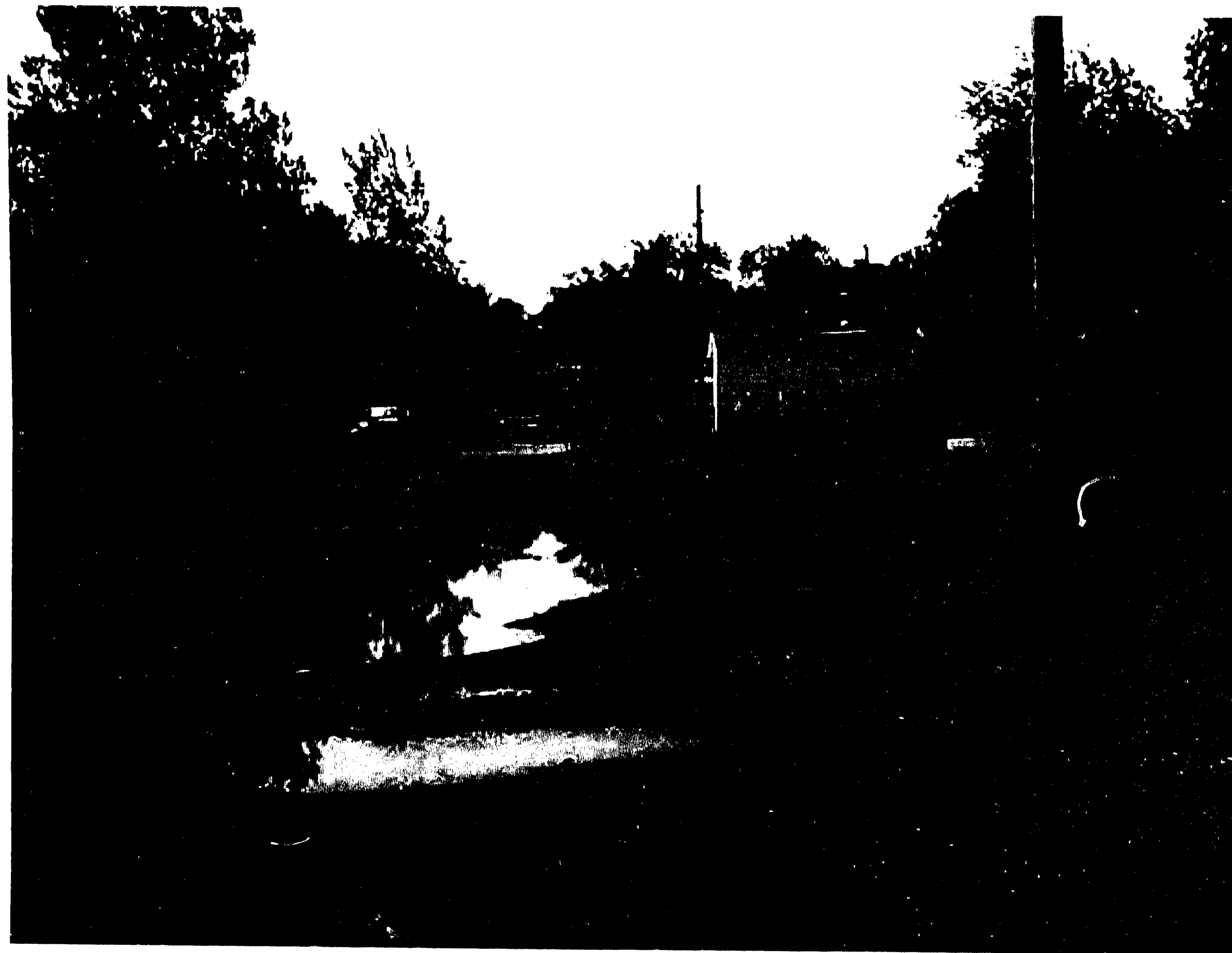
07-39

Petrolli Enterprises (Petro)  
898 Little Britain Rd.  
(3-1-23.1)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 8/27/07*





**NEW WINDSOR ZONING BOARD OF APPEALS**

SBL:

In the Matter of the Application of

**MEMORANDUM OF  
DECISION GRANTING**

**PETROLI ENTERPRISES. INC.**

**AREA VARIANCE**

**CASE #07-39**

**WHEREAS, PETROLI ENTERPRISES, INC. ,** owner(s) of 898 Little Britain Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for interpretation and/or use variance for equipment sales and rental at 898 Little Britain Road.

**WHEREAS,** a public hearing was held on August 27, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS,** the Applicant was represented by James Petro, sole owner of the Applicant; and

**WHEREAS,** there was one member of the public present; and

**WHEREAS,** one person spoke in favor of the application and no persons spoke in opposition thereto the Application; and

**WHEREAS,** a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS,** the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a commercial property located in a neighborhood of commercial properties on a busy commercial highway.
  - (b) A use variance was granted in 1998 allowing auto rental. The applicant now seeks to locate a business on the property which will engage in equipment rental.

- (c) The "equipment" proposed to be rented on the property consists in the majority of self propelled of motor vehicles of various types. None of these vehicles are substantially larger than large automobiles or trucks.
- (d) The property has been used for the storage, sale and service of motor vehicles for a number of years pursuant to a variance previously granted by the New Windsor Zoning Board of Appeals.
- (e) The applicant seeks an interpretation of this board that the proposed use of the property is consistent with the nonconforming use allowed by the aforementioned variance.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The use of the property, that of the lease, sale and rental of equipment, is consistent with and covered by the variance previously granted in favor of this property.
2. The proposed use of the property is a permitted use, being a continuation of the preexisting nonconforming use.

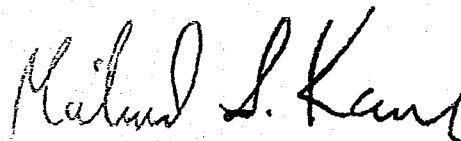
**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for interpretation and/or use variance for equipment sales and rental at 898 Little Britain Road as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED,** that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 27, 2007



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Chairman

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 7/28/07

APPLICANT: Petrolli Enterprises Inc.  
C/O James Petro Jr.  
PO Box 928  
Vails Gate, NY 12518

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 7/28/07

FOR : Interpretation

LOCATED AT: 898 Little Britain Road

ZONE: NC Sec/Blk/ Lot: 3-1-23.1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-85 H (1) (a) Applicant needs an interpretation to use 898 Little Britain Road for equipment sales and rental. Existing use is for auto repair, auto sales, auto rental and an auto body shop.

**COPY**

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: NC      USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

JUL 26 2007

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 666

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE**  
**CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR**  
**ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises James Petre Jr. (Petrall Enterprises Inc.)  
Address 898 Little Britain Rd New Windsor, NY 12553 Phone # 845-565-0769  
Mailing Address P.O. Box 928 Vails Gate, NY 12518 Fax # \_\_\_\_\_  
Name of Architect \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 3 Block 1 Lot 23.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? \_\_\_\_\_

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$50.00

**ZONING BOARD**

*Interpretation  
from Z. Board  
for Equipment  
Sales &  
Rental*

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 583-4818  
(845) 583-4685 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X Sam R. Peter Jr.  
(Signature of Applicant)

42 MAHARRY LANE New Windsor, N.Y. 12553  
(Address of Applicant)

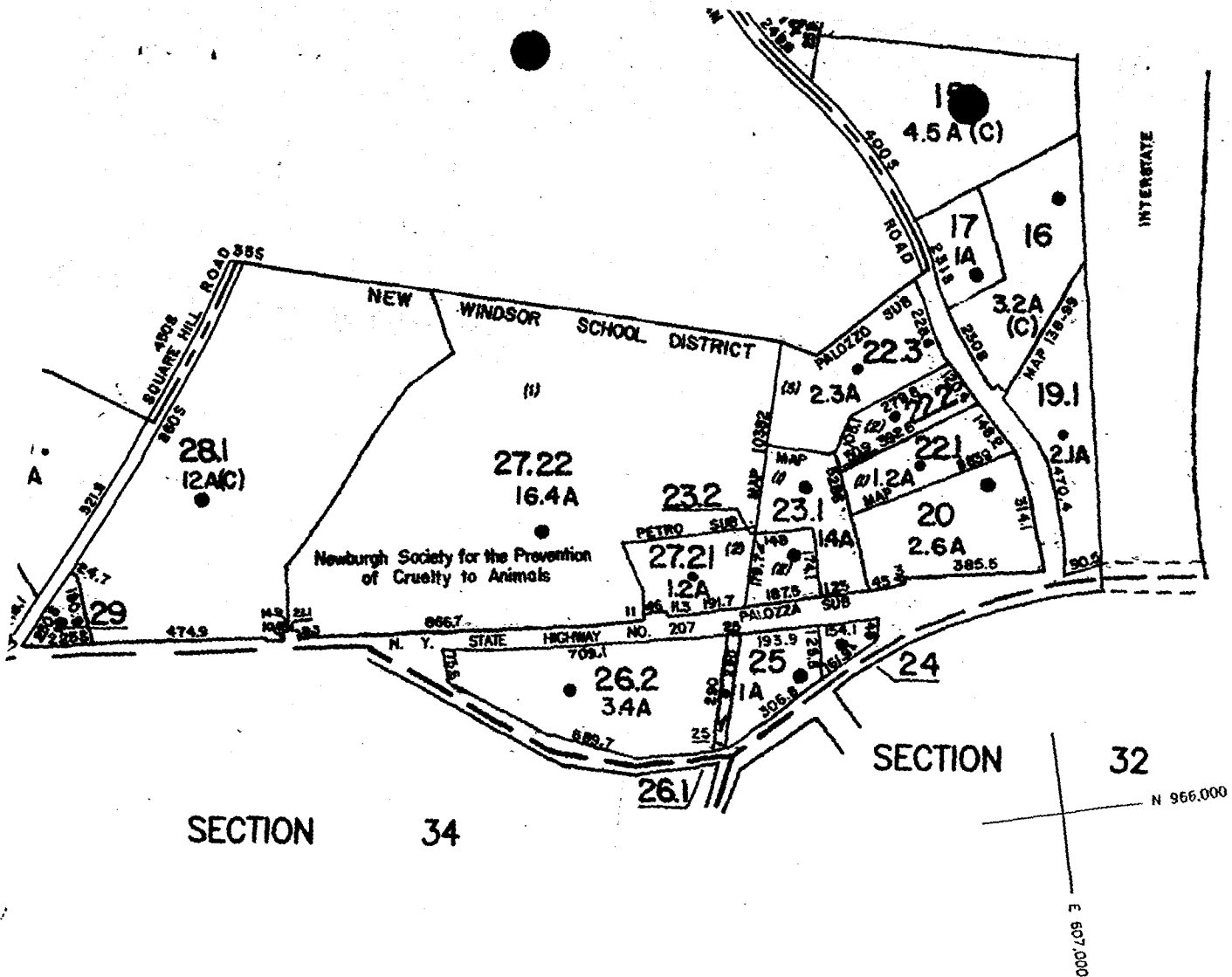
X Sam R. Peter Jr.  
(Owner's Signature)

P.O. Box 928 Vails Gate, N.Y. 12584  
(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N



## LEGEND

|                          |   |                          |
|--------------------------|---|--------------------------|
| FILED PLAN LOT LINE      | TAX MAP BLOCK NO. ④                         | FILED PLAN BLOCK NO. ②   |
| EASEMENT LINE            | TAX MAP PARCEL NO. 32                       | FILED PLAN LOT NO. (3)   |
| MATCH LINE               | AREAS (DEED) 11.1A or (CALCULATED) 11.6A(C) | STATE HIGHWAYS N Y STATE |
| WATER FEATURES           | DIMENSIONS (DEED) 66 or (CALCULATED) 75S    | COUNTY HIGHWAYS COUNTY   |
| GRID COORDINATE/CENTROID | PORTION OF TAX LOT P/o 1-1-1                | TOWN ROADS TOI           |

YORK

334800  
TOWN OF NEW WINDSOR

Section No. 3



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
TELEPHONE: (845) 563-4630  
FAX: (845) 563-4692

**TOWN ATTORNEY**  
MICHAEL D. BLYTHE, ESQ.

July 26, 2007

To Whom it May Concern:

I have been advised that there is a proposed lease between James Petro and an entity affiliated with Volvo whose principal business is the sale and rental of various forms of heavy and light equipment, much of which is gas powered. It comprises such things as backhoes and bulldozers, but also includes lighter equipment. The question has been presented as to whether the sale and repair of such equipment is permitted at SBL 3-1-23.1. A review of the Town Zoning Map indicates that this is in an NC (Neighborhood Commercial zone).

The sale or rental of the above mentioned equipment is not specifically permitted in the Neighborhood Commercial zone, but it is specifically permitted in other zones. However, the property in question has an extended use history of the sale and repair of automobiles. To the extent that both businesses involve the sale and repair of motor vehicles it would appear, based on the facts presented to me, that this would be a continuation of a non-conforming use which is within the NC zone at that particular location.

This matter is appropriate for interpretation by the Zoning Board of Appeals. Of course, I cannot nor will I substitute my judgment for the ZBA. However, based upon the facts as presented, I do not see at this location any impediment to the ZBA rendering an interpretation that the proposed business would be a continuation of a pre-existing non-conforming use and thus would constitute a permitted use.

If you require anything further, please advise.

Very truly yours,

  
Michael D. Blythe  
Attorney for the Town of New Windsor

MDB/jtm

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: NOVEMBER 8, 2007**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 347.71 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-39**

**NAME & ADDRESS:**

**James Petro  
42 Maharay Lane  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.11/08/07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-39

TYPE:INTERPRETATION

TELEPHONE:

845-565-0769

**APPLICANT:**

James Petro  
42 Maharay Lane  
New Windsor, NY 12553

|                |           |                     |
|----------------|-----------|---------------------|
| RESIDENTIAL:   | \$ 50.00  | CHECK # _____       |
| COMMERCIAL     | \$ 150.00 | CHECK # _____       |
| INTERPRETATION | \$ 150.00 | CHECK # <u>4739</u> |

ESCROW: COMMERCIAL \$500.00 CHECK # 4740



| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |            |       |                 |                 |
|------------------------------|------------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>6</u>   | PAGES | \$ <u>42.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | <u>   </u> | PAGES | \$ <u>   </u>   | \$ <u>   </u>   |
| PUBLIC HEARING:              | <u>4</u>   | PAGES | \$ <u>28.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | <u>   </u> | PAGES | \$ <u>   </u>   | \$ <u>   </u>   |

LEGAL AD: Publish Date:8/17/07 \$ 12.29

TOTAL: \$ 82.29 \$ 70.00



ESCROW POSTED: \$ 500.00  
LESS: DISBURSEMENTS: \$ 152.29

AMOUNT DUE: \$    

REFUND DUE: \$ 347.71

Cc:

J.F. 11/08/07

August 13, 2007

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PRELIMINARY MEETINGS

PETROLI ENTERPRISES, INC. (07-39)

MR. KANE: Request for interpretation and/or use variance for equipment sales and rental at 898 Little Britain Road.

Mr. James Petro appeared before the board for this proposal.

MR. KANE: For those of you that haven't been through one of these meetings before in New Windsor we hold two meetings for the zoning board. The first meeting is a preliminary meeting, it allows us to get all the information and make sure that we have all the information from you that we need to make a proper decision. In some other towns you walk in cold, you don't have it, they vote, you lose. So this way if we need anything extra from you then we can tell you at that time and everything we decide is in front of a public hearing and that would be the next meeting. So the exact same thing is going to happen in a public hearing except at that point we'll open it up to the public for discussion on their end. So you're on.

MR. PETRO: Very simply, I have property at 898 Little Britain Road, two buildings there. It's in an NC zone, there's approximately 1.4 acres, it was given a variance, a use variance in 1998 for auto sales and rentals and a body shop. At this time, we have a tenant that's looking at it now and he wants to do equipment rental and sales and the building department had thought that it could have been rental sales, was not a hundred percent in line with what's in the NC zone and thought that an interpretation from the zoning board was in order. Also, we had also thought that most of the NC lots in town anywhere in town are usually about 10,000 square feet or so, it's unusual that one is 1.4 acres so he felt that he didn't really



see a problem with it but thought an interpretation was needed. Also, I lost my train of thought, Mike, with the--oh, it's listed, it's actually listed in a PI zone as a permitted use and it's also listed in a commercial zone so being it was not specifically listed in an NC zone that's basically why I'm here. If it had been listed obviously I wouldn't be here.

MR. KANE: This property has always been used for auto repair, auto sales?

MR. PETRO: Correct. Many years ago it was carburetor shop, body shop, it was always car sales of some kind. Then Jim Smith Chevrolet owned it, that's who I bought it from around 2000 or so but a use variance was given to it before I bought it.

MR. BABCOCK: Mr. Chairman, the use variance is what's got me undecided on this application. If it didn't have the use variance I would say that it probably isn't a permitted use, but with the use variance that he got it says auto repair, auto sales, auto rental and auto body shop.

MR. KANE: These are gas powered?

MR. PETRO: Yes, it's everything from a hedge clipper to a backhoe, I mean, it's the same as United Rental, Volvo Rentals, subsidiary of Volvo Auto.

MR. TORPEY: Much nicer than what they had there before.

MR. KANE: You have some pictures? Did you guys look at pictures?

MS. LOCEY: We did.

MR. PETRO: You probably know the property.

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MR. KRIEGER: It's blue in color.

MR. PETRO: It's probably white now. At one time it was blue.

MR. KANE: Obviously, if they gave it a use variance, if that passed then it really the property wasn't being able to be used for anything that was specific for the use in that zone, right?

MR. BABCOCK: Well, what happened was throughout the years the NC zone permitted retail sales which I interpreted as retail sales, could be also cars, shoes, whatever. The Town Board said they didn't agree with me so they changed the zoning along 207, NC zone not to include car sales and that got Jim Smith in a pickle so he had to come to this board to get a variance and he leased cars, he rented cars.

MR. KANE: On the site.

MR. BABCOCK: He repaired cars.

MR. TORPEY: The site is going to be the same thing.

MR. BABCOCK: The issue is and he got a use variance for it so to me the use variance in one spot I'm thinking use variance goes along whether it's a rental of a car because it says car, a lot of spots it says car rental. So if he had a pickup truck there I guess I could violate him, say he can't sell or rent a pickup truck but a pickup truck goes along with it. An SUV, you know, a lot of the spots it says car rentals, again, it was just a word that somebody chose to say car or auto and then now it's, and it's listed in the other zones.

MR. KRIEGER: Probably car is more inclusive than an auto, auto would be specific but with the statutory scheme is that words if they're not defined in the code

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and car isn't are to be given their ordinary meaning, people use the car for any kind of motor vehicle and every kind of motor vehicle, it's discriminate.

MR. TORPEY: What's the difference between a car and a tractor?

MR. KRIEGER: Well, that's an interpretation for the board to make after a public hearing but I'm just pointing out that a car doesn't, the word car doesn't restrict the board.

MR. BABCOCK: Just one more thing I wanted to offer is that I was very close to letting this tenant go in there without any board's decision. Then I thought it would be best that we get some help from the board so that if I get, cause nobody does the same thing anymore, you know, the code doesn't list everything that you can do in the zone so that's why I said let me have him come here, get your help and in helping me make that decision because there's motor vehicle letters that have to be sent out for them to get repair licenses and so on and just makes it a lot easier. The last time we sent a letter out they needed auto, the word auto in it for motor vehicle.

MR. KANE: I remember that.

MR. TORPEY: That place has to have a repair shop license?

MR. BABCOCK: Anything that sells or rents stuff has to have a repair license so they can repair a taillight or whatever they repair, it's got to have a motor vehicle license.

MR. TORPEY: So he's still in the--

MR. BABCOCK: He's in the zone for that and the last guy that was there had one.

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MR. KANE: Right, the place has had it before.

MR. TORPEY: But you need a repair shop license for a rental.

MR. BABCOCK: Even if you sell trailers.

MR. TORPEY: Well, they have to maintain their own equipment is what I'm saying, that still could fall into that category as a repair.

MR. PETRO: The use really is not changing, it's a continuation of the use, I think the town attorneys looked at it also and came up with that determination. I think you have a letter that says that.

MR. KANE: It's very simple, the site has always been used for that type of thing so my own opinion would be a continuation of a non-conforming use.

MR. TORPEY: Exactly.

MR. KANE: And the use variance sent in in '99.

MR. KRIEGER: Your own opinion subject to the public hearing, subject to whatever information may come forth.

MR. KANE: Right, subject to whatever we hear at the public hearing. I don't see any need personally. How do you guys feel? Need anymore information? I'm willing to set him up for a--

MR. LUNDSTROM: I'll move that the public hearing be scheduled.

MS. LOCEY: I'll second that motion.

ROLL CALL

August 13, 2007

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|               |     |
|---------------|-----|
| MR. TORPEY    | AYE |
| MS. LOCEY     | AYE |
| MR. LUNDSTROM | AYE |
| MR. KANE      | AYE |

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PETROLI ENTERPRISES INC. (07-39)

Mr. James Petro appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or use variance for equipment sales and rental at 898 Little Britain Road.

MR. PETRO: My name is Jim Petro, I own Petrolli Enterprises a hundred percent and I'm here for a clarification or interpretation of the use variance that was given in 1998 by this board or other people who are sitting on this board. And that's basically it. So I need an interpretation of the variance that's on the plan which states auto rental, equipment rental, that's the two variations, auto rental and sales and equipment rental and sales.

MR. KANE: Basically as per our preliminary discussion everything there is still basically going to be with repairs, diesel, gas engines, similar type use to what it was previously?

MR. PETRO: I don't think there will be any change, instead of auto might be a backhoe, that would be your biggest change.

MR. KRIEGER: The variance did it say auto or car?

MR. PETRO: Auto.

MR. BABCOCK: There were areas throughout the process that said car and the variance stated auto and that's why really he's here because just for a clarification I guess I could have told him that he couldn't sell a pickup truck where it said a car.

MR. KRIEGER: Well, car is sort of all inclusive term so the car appeared throughout the process.

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MR. BABCOCK: There was several pieces of paper where it said car and several pieces that said auto.

MR. KANE: Let the record also show that we have a letter from the town attorney from the Town of New Windsor basically stating that through his, well, I'll read it. To Whom It May Concern: I have been advised that there is a proposed lease between James Petro and an entity affiliated with Volvo whose principal business is the sale and rental of various forms of heavy and light equipment, much of which is gas powered. It comprises such things as backhoes and bulldozers and also lighter equipment. The question has been presented as to whether the sale and repair of such equipment is permitted at SBl 3-1-23.1. A review of the Town zoning map indicates that this is in an NC (Neighborhood Commercial zone). The sale or rental of the above mentioned equipment is not specifically permitted in the Neighborhood Commercial zone but is specifically permitted in other zones. However, the property in question has an extended use history of the sale and repair of automobiles. To the extent that both businesses involve the sale and repair of motor vehicles it would appear based on the facts presented to me that this would be a continuation of a non-conforming use which is within the NC zone at that particular location. This matter is appropriate for interpretation by the Zoning Board of Appeals. Of course, I cannot nor will I substitute my judgment for the ZBA. However, based upon the facts as presented, I do not see at this location any impediment to the ZBA rendering an interpretation that the proposed business would be a continuation of a pre-existing non-conforming use and thus would constitute a permitted use. If you require anything further, please advise. Michael Blythe, attorney for the Town of New Windsor. I will open it up and ask if anybody's here for this particular hearing?

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MR. CROTTY: Good evening, my name is Phil Crotty, I'm a friend of Jim Petro. Actually, I'm a property owner on the block with him at 1059 Little Britain Road. I just want the record to indicate that I support the positive interpretation of the application.

MR. KANE: Thank you, sir. Anybody else for this particular hearing? At this point then I would close the public portion of the hearing and ask how many mailings we had.

MR. BABCOCK: We had 20 mailings with no returns.

MR. KRIEGER: Just for the record this property is located on a busy commercial highway?

MR. PETRO: Correct.

MR. KRIEGER: And it's been, it consists of a couple buildings, a front yard, back yard, some paved, all used for parking of vehicles at some point?

MR. PETRO: Correct.

MR. KRIEGER: It's set up for that purpose and intended for that purpose the sale of--

MR. PETRO: It's been that way for quite a few years.

MR. KRIEGER: It's surrounded by other commercial properties?

MR. PETRO: Yes, we have a deli on one side, girlie place across the street and the Nextel, Nextel Telephone Company.

MR. KRIEGER: There's a bar across the street?

MR. PETRO: Flooring place and bar.



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MR. KRIEGER: Liquor store and that's the neighborhood, correct? I just wanted to have that in the record.

MR. KANE: Any further questions? I'll accept a motion then.

MR. LUNDSTROM: I'll offer a motion that the zoning board render an interpretation of the proposed business would be a continuation of a pre-existing, non-conforming use and this would constitute a permitted use pertaining to the application of Petrolli Enterprises as presented on the agenda of the Zoning Board of Appeals for August 27, 2007.

MS. LOCEY: I'll second that.

ROLL CALL

|               |     |
|---------------|-----|
| MS. GANN      | AYE |
| MR. LUNDSTROM | AYE |
| MS. LOCEY     | AYE |
| MR. TORPEY    | AYE |
| MR. KANE      | AYE |



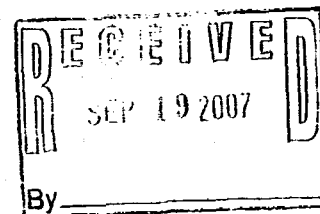
# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

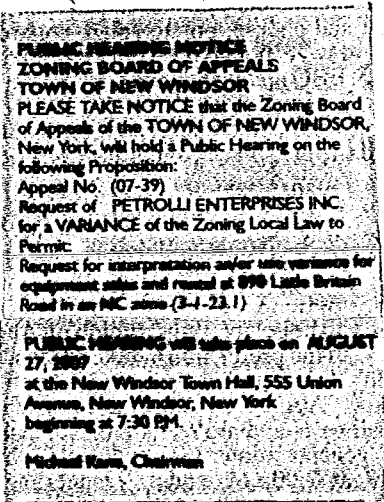
| Date      | Invoice # |
|-----------|-----------|
| 9/11/2007 | 764       |

|   |
|---|
| Bill To   |
| TOWN OF NEW WINDSOR<br>555 UNION AVE<br>NEW WINDSOR, NY 12553 |



| P.O. No.  | Terms | Project |
|-----------|-------|---------|
| <i>MK</i> |       |         |

| Issue Date | Description                              | Rate         | Amount  |
|------------|--|--------------|---------|
| 8/17/2007  | LEGAL ADS: PETROLI ENTERPRISES INC 07-39 | 8.29         | 8.29    |
|            | 1 AFFIDAVIT                              | 4.00         | 4.00    |
|            |  | <b>Total</b> | \$12.29 |



State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company, Inc.,  
Publisher of The Sentinel, a weekly  
newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was published  
in said newspaper, 1 time (s)  
commencing on  
the 17th day of August A.D., 2007  
and ending on the 17th day of  
August A.D. 2007

*Kathleen O'Brien*

Subscribed and shown to before me  
this 19th day of Sept, 2007.

*Deborah Green*

Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

My commission expires \_\_\_\_\_

**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

PETROLI ENTERPRISES INC.

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#07-39

X

STATE OF NEW YORK )

) SS:

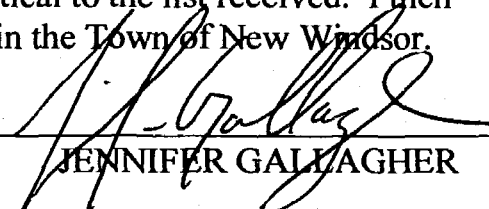
COUNTY OF ORANGE )

JENNIFER GALLAGHER, being duly sworn, deposes and says:

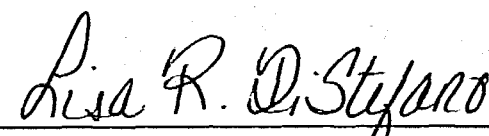
That I am not a party to the action, am over 18 years of age and reside at 25 Ona Lane, New Windsor, NY 12553.

That on the 14th day of AUGUST, 2007, I compared the 20 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

  
JENNIFER GALLAGHER

23rd day of August, 20 07

  
Notary Public

LISA R. DISTEFANO  
Notary Public, State Of New York  
No. 01DI6050022  
Qualified in Orange County  
Commission Expires 10/30/ 2010

**● TOWN OF NEW WINDSOR ●**  
**REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: \_\_\_\_\_

DATE: 8-6-07

PROJECT NUMBER: ZBA# 07-39 P.B. # \_\_\_\_\_

APPLICANT NAME: Petrolli Enterprises, Inc.

PERSON TO NOTIFY TO PICK UP LIST:

James Petro Jr.  
42 Maharay Lane  
New Windsor, NY 12553

TELEPHONE: 845-565-0769

TAX MAP NUMBER:    SEC. 3-                      BLOCK 1 LOT 23.1  
                                 SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
                                 SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 898 Little Britain Road  
New Windsor, NY 12553

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00                      CHECK NUMBER: 4741

TOTAL CHARGES: \_\_\_\_\_

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

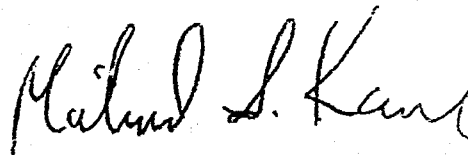
**Appeal No. (07-39)**

**Request of    PETROLI ENTERPRISES INC.**

**for a VARIANCE of the Zoning Local Law to Permit:**

Request for interpretation an/or use variance for equipment sales and rental at 898 Little Britain Road in an NC zone (3-1-23.1)

**PUBLIC HEARING will take place on AUGUST 27, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

August 7, 2007

Petrolli Enterprises, Inc.  
C/O James Petro Jr.  
42 Maharay Ln.  
New Windsor, NY 12553

Re: 3-1-23.1      ZBA#: 07-39 (20)

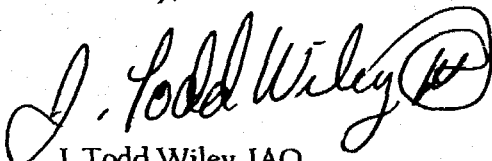
Dear Mr. Petro:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00 your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerks Office.

Sincerely,

  
J. Todd Wile, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board



3-1-16  
SANDRA & KEVIN PASON  
26 SILVER STREAM RD.  
NEW WINDSOR, NY 12553

3-1-26.1,3-1-26.2  
WESTAGE DEV. 207 LLC  
200 WESTAGE BUS.CENT.DR.  
STE. 120  
FISHKILL, NY 12524

3-1-17  
KEITH & ELIZABETH REINHOLD  
36 SILVER STREAM RD.  
NEW WINDSOR, NY 12553

3-1-27.21,32-2-29.2  
JAMES PETRO, JR.  
PO BOX 928  
VAILSGATE, NY 12584

3-1-19.1  
PRIMERCORD REALTY LLC  
470 LITTLE BRITAIN RD.  
NEW WINDSOR, NY 12553

3-1-27.22  
NEWBURGH PREVENTION OF  
ANIMAL CRULTY 940  
940 LITTLE BRITIAN RD.  
NEW WINDSOR, NY 12553

3-1-20  
VERIZON NY INC.  
C/O BELL ATLANTIC ~~1005 AVE OF THE AMERICAS~~  
~~NEW YORK, NY 10036~~

3-1-63.2  
NYS D.O.T., DIR OF AVIATION  
50 WOLF RD.  
PO BOX D 5-4  
ALBANY, NY 12232

3-1-22.1  
LAWRENCE & KAREN BYRD  
15 SILVER STREAM RD.  
NEW WINDSOR, NY 12553

32-2-30  
ROSE SEARS  
586 RILEY RD.  
NEW WINDSOR, NY 12553

3-1-22.2  
CHESTER PALOZZO, JR.  
21 SILVER STREAM RD.  
NEW WINDSOR, NY 12553

32-2-31.11,31.12  
RONSAR REAL ESTATE, LLC  
911 LITTLE BRITAIN RD.  
NEW WINDSOR, NY 12553

3-1-22.3  
STEWARTSVILLE ASSOC.,LLC  
75 GROVE ST.  
PATERSON, NJ 07503

32-2-31.2  
PERLA JOYCE ANDIN  
C/O NEW WINDSOR MED. PC  
905 LITTLE BRITAIN RD.  
NEW WINDSOR, NY 12553

3-1-23.2  
PETROLI ENTERPRISES, INC.  
PO BOX 928  
VAILS GATE, NY 12584

32-2-31.3  
PATRICIA MURRELL  
572 RILEY RD.  
NEW WINDSOR, NY 12553

3-1-24  
TMJ ENTERPRISES, LLC  
20 BROWNS DR.  
NEW WINDSOR, NY 12553

32-2-32  
ED & BERNICE NUGENT  
578 RILEY RD.  
NEW WINDSOR, NY 12553

3-1-25  
ABSTRACT PROPERTIES, LLC  
11 WAVEY WILLOW LN.  
MONTGOMERY, NY 12549

32-2-86  
NORTH PLANK DEV. CO., LLC  
5020 ROUTE 9W  
NEWBURGH, NY 12550





RESULTS OF Z.B.A. MEETING OF: August 13, 2007

PROJECT: Petrolli Enterprises ZBA # 07-39  
P.B.# \_\_\_\_\_

**P.B.#** \_\_\_\_\_

USE VARIANCE:      NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_N\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**PUBLIC HEARING: M)\_\_\_\_\_ S)\_\_\_\_\_ VOTE: A\_\_\_\_ N.\_\_\_\_\_**

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M)\_\_\_\_S)\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M) EL S) KL VOTE: A 4 N 1

|           |          |
|-----------|----------|
| GANN      | <u>✓</u> |
| LUNDSTROM | <u>✓</u> |
| LOCEY     | <u>✓</u> |
| TORPEY    | <u>✓</u> |
| KANE      | <u>✓</u> |

CARRIED: Y\_\_\_\_\_ N\_\_\_\_\_

**PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES**

**VARIANCE APPROVED:** M)      S)      VOTE: A      N     .

**GANN** \_\_\_\_\_  
**LUNDSTROM** \_\_\_\_\_  
**LOCEY** \_\_\_\_\_  
**TORPEY** \_\_\_\_\_  
**KANE** \_\_\_\_\_

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

[illegible]



ZBA 01-39

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#594-2007**

08/07/2007

Petro JR., James R.

Received \$ 150.00 for Zoning Board Fees, on 08/07/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 08-06-07

FOR: Escrow 07-39

FROM:

**James Petro**  
**42 Maharay Lane**  
**New Windsor, NY 12553**

CHECK FROM:

Same

CHECK NUMBER: 4740

TELEPHONE: 565-0769

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Funnari 8-7-07  
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

7/31/07  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☒

- I. **Owner Information:** e-mail address: RikWin@Aol.com  
Phone Number: (845) 565-0769  
Fax Number: ( )  
PETROLI ENTERPRISES, INC.  
(Name)  
P.O. Box 928 Vails Gate, N.Y. 12584  
(Address)
- II. **Applicant:** e-mail address: SAME  
Phone Number: ( )  
Fax Number: ( )  
JAMES PETRO  
(Name)  
42 MAHARAY LANE,  
(Address)  
N.Y. WINDSOR, N.Y. 12553
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )  
(Name)  
SAME AS I  
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )  
(Name)  
NONE  
(Address)
- V. **Property Information:**  
Zone: NC Property Address in Question: 898 Little Britain Rd.  
Lot Size: 1.4 AC. Tax Map Number: Section 3 Block 1 Lot 23.1  
a. Is pending sale or lease subject to ZBA approval of this Application? yes  
b. When was property purchased by present owner? 2001  
c. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
d. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? NO

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**OWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**X. SIGN VARIANCE:**

- (a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Supplementary Sign Regulations

|         | <u>Requirements</u> | <u>Proposed<br/>or Available</u> | <u>Variance<br/>Request</u> |
|---------|---------------------|----------------------------------|-----------------------------|
| Sign #1 |                     |                                  |                             |
| Sign #2 |                     |                                  |                             |
| Sign #3 |                     |                                  |                             |
| Sign #4 |                     |                                  |                             |

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs \_\_\_\_\_?

**XI. INTERPRETATION:**

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section 300-85-H(1)(A)

- (b) Describe in detail the proposal before the Board:

"Auto. Sales"

PRESENT USE VARIANCE STATES "Auto? Rental"  
NEED TO INCLUDE "Equipment Rental & Sales"

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**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
  - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

31 day of July 2007.

*James R. Petro Jr.*  
Owner's Signature (Notarized)

JAMES R. PETRO JR.  
Owner's Name (Please Print)

*Mary Ann Hotaling*  
Signature and Stamp of Notary

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01H05062877  
Qualified in Orange County 2010  
Commission Expires July 8, 2010  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

|   |                          |
|---|--------------------------|
| 1. APPLICANT /SPONSOR<br><b>JAMES R. PETRO JR.</b>  | 2. PROJECT NAME<br>_____ |
| 3. PROJECT LOCATION:<br>Municipality <b>898 L.B. ROAD</b> County <b>ORANGE</b>  |                          |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br><b>898 Little BRITAIN RD., New WINDSOR, N.Y. 12553</b><br><b>800' From Thruway overpass on RD 207, west-</b>  |                          |
| 5. IS PROPOSED ACTION:<br><input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration   |                          |
| 6. DESCRIBE PROJECT BRIEFLY:<br><b>RENTAL</b>   |                          |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially <b>1.4</b> acres    Ultimately <b>1.4</b> acres  |                          |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly<br><b>NEED INTERPRETATION OF Present USE VARIANCE</b>  |                          |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other<br>Describe: <b>AIRPORT</b> |                          |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals  |                          |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval   |                          |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |                          |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE   |                          |
| Applicant/sponsor name: <b>James R. Petro Jr.</b>   | Date: <b>2/31/07</b>     |
| Signature: <b>James R. Petro Jr.</b>  |                          |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER





# TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

## ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$ 50.00  
\*ESCROW: \$300.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

07-39

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00 ✓  
\*ESCROW: \$500.00 ✓  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00 ✓

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

### ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

|              |        |
|--------------|--------|
| 1-10 NAMES   | 25.00  |
| 11-20 NAMES  | 35.00  |
| 21-30 NAMES  | 45.00  |
| 31-40 NAMES  | 55.00  |
| 41-50 NAMES  | 65.00  |
| 51-60 NAMES  | 75.00  |
| 61-70 NAMES  | 85.00  |
| 71-80 NAMES  | 95.00  |
| 81-90 NAMES  | 105.00 |
| 91-100 NAMES | 115.00 |

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

**COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

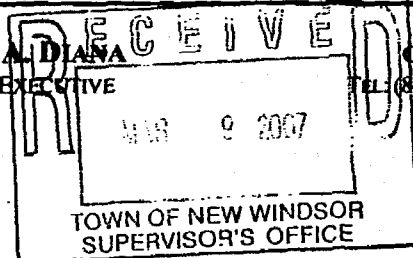
Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA  
COUNTY EXECUTIVE



124 MAIN STREET

GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.  
COMMISSIONER

5 March, 2007

**POLICY REMINDER****REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

**NEW POLICY GUIDEBOOK ATTACHED**

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

**A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**

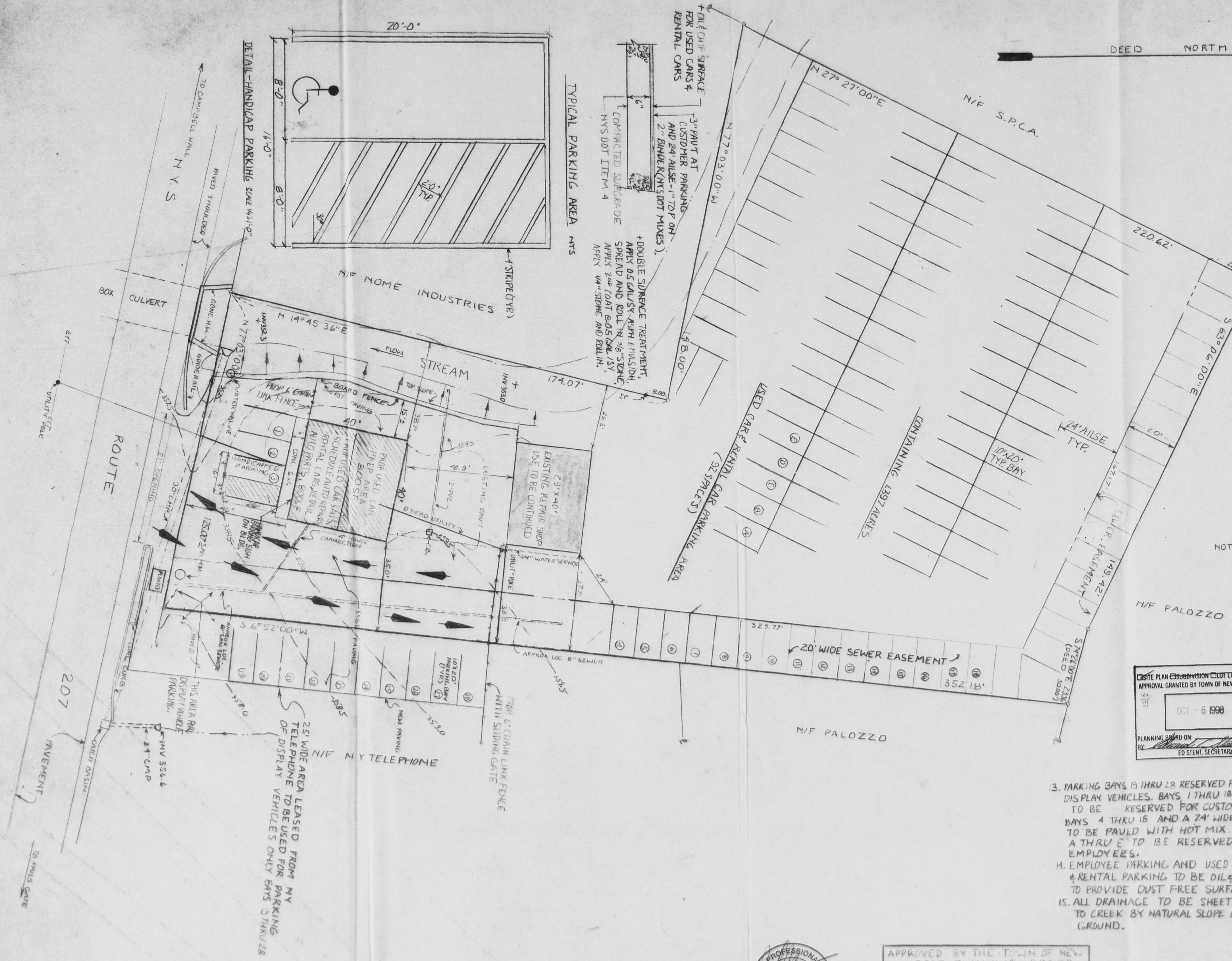
As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

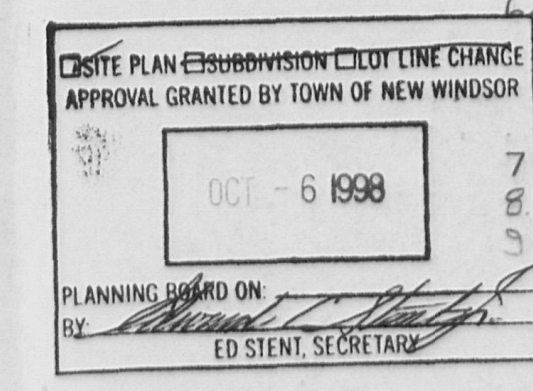




| MC ZONE BULK TABLE |                   |             |             |
|--------------------|-------------------|-------------|-------------|
| USE                |                   | MIN. REQ'D  | PROVIDED    |
| A-6                | LOT AREA          | 10,000 SF   | 10,850 SF   |
|                    | LOT WIDTH         | 100 FT.     | 113 FT.     |
|                    | FRONT YD.         | 40 FT.      | 40 FT.      |
|                    | SIDE YARDS        | 15/35 FT.   | 35/73.7 FT. |
|                    | REAR YD.          | 15 FT.      | 26.8 FT.    |
|                    | FRONTAGE          | N.A.        | N.A.        |
|                    | BLDG. HT.         | 35 FT. MAX. | 15 FT.      |
|                    | FLOOR AREA RATIO  | 1           | 0.03        |
|                    | LIVING FLOOR AREA | N.A.        | N.A.        |
|                    | DEV. COVERAGE     | N.A.        | N.A.        |
|                    | LOT AREA          | 15,000 SF   | 40,850 SF   |
|                    | LOT WIDTH         | 125 FT.     | 118 FT.     |
|                    | FRONT YD.         | 40 FT.      | 120 FT.     |
|                    | SIDE YARDS        | 15/30 FT.   | 22/43.5 FT. |
|                    | REAR YD.          | 15 FT.      | 134 FT.     |
|                    | FRONTAGE          | 0           | 0           |
|                    | BLDG. HT.         | 23 FT. MAX. | 16 FT.      |
|                    | FLOOR AREA RATIO  | 0.5         | 0.02        |
|                    | LIVING FLOOR AREA | N.A.        | N.A.        |
|                    | DEV. COVERAGE     | N.A.        | N.A.        |

\* NON-CONFORMING PRE-EXISTING USE

- NOTES:
- OWNER: THOMAS & JANICE ACUNZO  
KEATS DRIVE  
NEW WINDSOR, N.Y. 12550
  - DATE OF SURVEY: MAY 24, 1998
  - TAX MAP REF. SECT. 3, BLOCK 1, LOT 23
  - DEED REF. LIBER 1356, PG. 302
  - APPLICANT: JIM SMITH CHEVROLET  
ROUTE 208  
WALDEN, N.Y. 12586
  - ZONING- NC  
SEE BULK TABLES ABOVE



APPROVED BY THE TOWN OF NEW WINDSOR PLANNING BOARD

JIM SMITH CERTIFIED USED CARS & AUTO REPAIRS

TOWN OF NEW WINDSOR ORANGE COUNTY, N.Y.

SCALE 1"=20'

BY: J. DRAGAN

JUNE 4 1998  
REV: AUGUST 8, 1998  
REV: AUGUST 24, 1998  
REV: SEPTEMBER 1, 1998

JOHN J. DRAGAN, PE, LS  
PERRY CREEK ROAD  
WASHINGTONVILLE, NY.  
N.Y. L.S. NO. 43170, P.E. NO. 42601